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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

OPERATIVE PLASTERERS & CEMENT	)	CASE NO. 07-CV-11085
MASONS LOCAL 262 PENSION AND ANNUITY	)	
FUNDS, Derivatively On Behalf of Nominal	)	
Defendant MERRILL LYNCH & CO., INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
E. STANLEY O'NEAL, AHMASS L.	)	
FAKAHANY, GREGORY J. FLEMING, JEFFREY	)	
N. EDWARDS, CAROL T. CHRIST, ARMANDO	)	
D. CODINA, VIRGIS W. COLBERT, ALBERTO	)	
CRIBIORE, JOHN D. FINNEGAN, JUDITH	)	
MAYHEW JONAS, JOSEPH W. PRUEHER, ANN	)	
N. REESE, CHARLES O ROSOTTI,	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
MERRILL LYNCH & CO., INC.,	)	
	)	
Nominal Defendant.	)	

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**PLAINTIFF'S NOTICE OF WITHDRAWAL OF MOTION TO REMAND**

Plaintiff Operative Plasterers & Cement Masons Local 262 Pension and Annuity Funds hereby gives notice that it is withdrawing its motion to remand the above-referenced action to the Supreme Court of the State of New York.

Dated: February 21, 2008

By: S/  
Richard Brualdi

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